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Mexico

Solid Wood Products

Mexico Announces NOM Project for Wood Packaging Materials (PROY-NOM-144-SEMARNAT-2004)

2004

Approved by:

Dan Martinez, ATO Monterrey

Lisa Anderson, U.S. Embassy Mexico

Prepared by:

Eduardo Lozano

Report Highlights:

On September 24, 2004, the Mexican Secretariat of the Environment and Natural Resources (SEMARNAT) published in the *Diario Oficial* (Mexico's "Federal Register") new phytosanitary measures proposed for wood packaging materials used in the international trade of commercial goods. These measures are designed to bring Mexico into compliance with ISPM 15 of the International Plant Protection Convention (IPPC). The emergency NOM, NOM-EM-144-SEMARNAT-2003, remains in effect until November 27, 2004, which means there may be a period of time between the expiration of the emergency NOM and the announcement of the final rule. Despite its emergency nature, NOM-144 is only being partially implemented at present and has not adversely impacted U.S. trade in wood packing materials. It is uncertain whether this partial implementation will continue under the final rule, as SEMARNAT has indicated it has insufficient resources to fully implement it. See MX4502, MX4043, and MX4068.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Monterrey ATO [MX4]
[MX]

Disclaimer: This summary is based on a *cursory* review of the subject announcements and therefore should not, under any circumstances, be viewed as a definitive reading of the regulations in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulations or announcements as published in Spanish, the latter shall prevail.

Executive Summary: On September 24, 2004, the Mexican Secretariat of the Environment and Natural Resources (SEMARNAT) published in the *Diario Oficial* (Mexico's "Federal Register"), PROY-NOM-144-SEMARNAT-2004, which outlines guidelines that will affect solid wood products used as packaging material for imported goods and merchandise. This NOM replaces NOM-EM-144-SEMARNAT-2003, an emergency measure published first on November 26, 2003, then re-extended on May 25, 2004, but which, given its emergency nature, was due to expire within a year of its initial *Diario Oficial* publication. NOM-144 represents Mexico's implementation of ISPM-15 of the International Plant Protection Convention (IPPC). It is entitled "Guidelines for Regulating Wood Packaging Material in International Trade" and was approved by the IPPC on March 15, 2002 in response to an agreement between North American Plant Protection Organization (NAPPO) countries (i.e., Canada, Mexico, and the United States).

The aforementioned regulation will be subject to a 60-day comment period, starting the day of its publication (September 24, 2004). Subsequently, SEMARNAT will have 45 days to reply to comments and to publish the corresponding answers in the *Diario Oficial*. The official rule will be published in Mexico's *Diario Oficial* 15 days after the date of publication of SEMARNAT's response to comments and questions. SEMARNAT's target date for publishing the final rule is between mid December 2004 and January of 2005.

The emergency NOM, NOM-EM-144-SEMARNAT-2003, remains in effect until November 27, 2004, which means there may be a period of time between the expiration of the emergency NOM and the announcement of the final rule. It remains unclear as to what regulations will be in effect during this interim period. Despite its emergency nature, NOM-144 is only being partially implemented at present and has not adversely impacted U.S. trade in wood packing materials. It is uncertain whether this partial implementation will continue under the final rule, as SEMARNAT has indicated it has insufficient resources to fully implement it. See MX4502, MX4043, and MX4068.

Title: PROY-NOM-144-SEMARNAT-2004 Phytosanitary Measures for Wood Packaging Materials.

Products Affected: Wood packaging material including pallets used in commercial trade of goods and merchandise.

Status: Project regulation opened for public comment.

Comment period: 60 days starting the day of its publication (September 24, 2004).

Mexican government office receiving comments: The Mexican Secretariat of the Environment and Natural Resources (SEMARNAT).

M.C. Juan Rafael Elvira Quesada
Subsecretario de Fomento y Normatividad Ambiental

Avenida Periférico Sur número 4209, 5o. piso, colonia Jardines en la Montaña, Delegación Tlalpan, código postal 14210, Distrito Federal

Email: embalajes.consulta@semarnat.gob.mx.

Important Features of the Regulation: The additional information in (PROY-NOM-144-SEMARNAT-2004) not included in NOM-EM-144 includes:

1. The authorization for the use of methyl bromide (MB) to fumigate wood packaging materials.
2. The ruling and guidelines to facilitate the inspection at entry points to Mexico of wood packaging materials used in imported goods and merchandize.
3. The requirements by SEMARNAT to grant authorization to companies for applying approved treatment measures and the corresponding identity mark.

Key elements to take in consideration:

- All wooden packaging materials must be treated with one of the phytosanitary measures established in the ruling. To facilitate inspection, the approved treatment identity mark must be visible upon arrival at entry points to Mexico.
- Having the approved treatment identity mark does not exempt wood packaging material from inspection by PROFEPA officials.
- If wood packaging material arrives to Mexican entry points without the approved treatment identity mark, the importer must:
 - A. Apply one of the authorized phytosanitary treatments to the packaging material.
 - B. Substitute with national wood packaging material or with packaging material that complies with the current regulation or use non-wood packaging material. In this case a PROFEPA official must be present to verify that approved procedures are followed.
 - C. Return the wood packaging material to the exporting country.
It should be pointed out that, the importer must cover all costs incurred in any of the above options.

In addition, the surveillance and enforcement of this regulation will be under the responsibility of the Federal Attorney's Office of Protection to the Environment (PROFEPA), the operating arm of SEMARNAT, officials of which will carry out the inspections at corresponding entry points to Mexico. The target date for PROFEPA to implement the inspection procedures is July 2005.

Possible areas of concern: PROFEPA officials who have been contacted by this office have expressed concern that there is limited staff (71 inspectors in total) to cover all entry points to Mexico and who might be overwhelmed by additional inspection activities. Furthermore, they stated that these inspection points are currently unsuitable to carry out the inspection of wood packaging materials. As a consequence, this new inspection procedure may slow down the import process into Mexico and could create problems especially for perishable products, if the cold chain is broken. In order to comply with the new regulation in an efficient manner, PROFEPA is looking at other alternatives such as hiring more inspection officials or having SAGARPA officials do inspections through their local offices. Given the fact that SEMARNAT has acknowledged that it has insufficient resources to carry out full implementation, it is unclear whether the partial implementation carried out under the emergency NOM will remain in effect. To date, this partial implementation has not adversely impacted U.S. trade in wood packing materials.

For More Information: Eduardo Lozano, Agricultural Specialist, Agricultural Trade Office (ATO), Monterrey - eduardo.lozano@usda.gov Tel: (52-81) 8333-5289.

International Plant Protection Convention (IPPC): The IPPC is a multilateral treaty within the Office of Director General of the Food and Agriculture Organization of the United

Nations. The United States, Canada and Mexico and 128 other countries are contracting parties to the IPPC. (<http://www.ippc.int/IPP/En/default.htm>).

North American Plant Protection Organization (NAPPO): <http://www.nappo.org>

Implementation of ISPM No. 15 on Wood Packing Materials in NAPPO countries:

<http://www.nappo.org/Standards/Woodpacking-bil.htm>

Internet Connections: Visit our headquarters home page at www.fas.usda.gov

Useful Mexican Web Sites: Secretariat of the Environment and Natural Resources web site can be found at www.semarnat.gob.mx. This web site is mentioned for the reader's convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in the mentioned site.